

01/04/02  
jc685 U.S. PTO

02-08-02

# WAYNE J. COLTON, INC.

*Patents ~ Trademarks ~ Copyrights ~ Related Matters*

The Milam Building Suite 1032

115 East Travis Street

San Antonio, Texas 78205

Tel: (210) 222-8455

Fax: (210) 222-8445

jc978 U.S. PTO  
10/068049  
01/04/02

February 4, 2002

PATENTS

Box Patent Application  
Commissioner for Patents  
Washington, D.C. 20231

RE:    Invention Title        APPETITE SUPPRESSION DEVICE  
       Filing Date            February 4, 2002  
       Inventor(s)            David M. TUMEY  
  
       Docket Number        1052.1301

Dear Sir:

Enclosed herewith for filing in the above referenced matter, please find the following:

1. Application for Letters Patent;
2. Declaration, Power of Attorney and Correspondence Address;
3. Request for Non Publication under 35 U.S.C. 122(b)(2)(B)(i);
4. Recordation Form Cover Sheet (with copy thereof);
5. Assignment of David M. Tumey; and
6. Addressed postcard to be returned upon receipt.

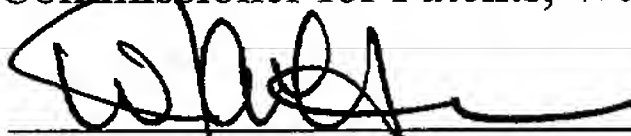
## CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR §1.10)

"Express Mail" Mailing Label No.: EV042433930US

Date of Deposit: February 4, 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service, under 37 CFR §1.10, on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

02/04/2002  
Date:

  
Signature of Person Mailing

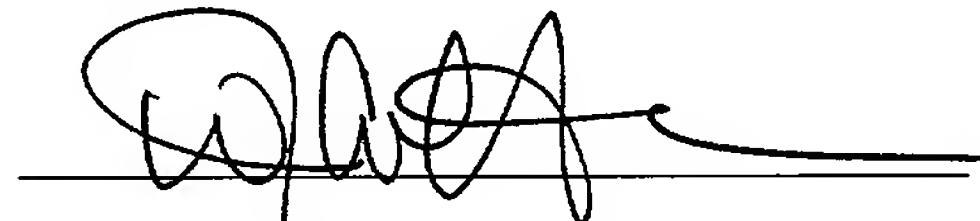
Wayne J. Colton  
Printed Name of Person Mailing

WAYNE J. COLTON, INC.

- ☒ **Applicant is a small entity** (if block checked).
- ☐ No fee is required with this filing.
- ☒ Please charge Deposit Account No. 50-0489 in the amount of \$370.00. **A COPY OF THIS LETTER IS ATTACHED.**
- ☐ The Commissioner has been authorized to charge the requisite fee to Deposit Account No. 50-0489.
- ☐ A check in the amount of \$ \*\*\* is enclosed herewith.

**GENERAL AUTHORIZATION TO CHARGE FEES:** The Commissioner is hereby authorized to charge any additional fee as may be required under 37 CFR §§1.16 and/or 1.17 at any time during the prosecution of the above referenced application, or credit any overpayment, to Deposit Account No. 50-0489, without further or more specific authorization.

Respectfully submitted,



Wayne J. Colton  
Attorney for Applicant  
Registration No. 40,962

Dated: 02/04/2002

**WAYNE J. COLTON, INC.**  
The Milam Building Suite 1032  
115 East Travis Street  
San Antonio, Texas 78205  
Telephone: 210 222 8455  
Telecopier: 210 222 8445

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**NONPUBLICATION REQUEST  
UNDER  
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor David M. TUMEY

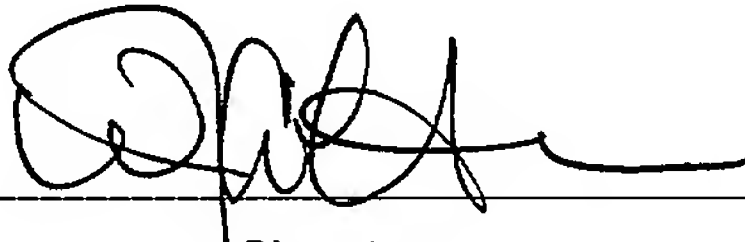
Title APPETITE SUPPRESSION DEVICE

Atty Docket Number 1052.1301

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

02/04/2002  
Date

  
Signature

Wayne J. Colton

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**